

MONTANA LEGISLATIVE HISTORY

Chapter 2 19 75

Bill H 7 S _____ Original bill & history / c

H. Committee on Judiciary

Hearing Date(s) Jan 09 ☒ c

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Date Out Jan 09 ☒ c

S. Committee on Judiciary

Hearing Date(s) Jan 21 ☒ c

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Jan 21 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 HOUSE BILL NO. 7
2 INTRODUCED BY YARDLEY, STOLTZ
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 94-5-503 AND 94-5-603, R.C.M. 1947, TO REMOVE CERTAIN SEXUAL
6 DISTINCTIONS IN THE CRIMINAL LAW."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 94-5-503, R.C.M. 1947, is amended
10 to read as follows:
11 "94-5-503. Sexual intercourse without consent. (1) A
12 male person who knowingly has sexual intercourse without
13 consent with a female person not his spouse commits the
14 offense of sexual intercourse without consent.
15 (2) A person convicted of sexual intercourse without
16 consent shall be imprisoned in the state prison for any term
17 not to exceed twenty (20) years.
18 (3) If the victim is less than sixteen (16) years old
19 and the offender is three (3) or more years older than the
20 victim, or if the offender inflicts bodily injury upon
21 anyone in the course of committing sexual intercourse
22 without consent, he shall be imprisoned in the state prison
23 for any term not to exceed forty (40) years.
24 (4) An act "in the course of committing sexual
25 intercourse without consent" shall include an attempt to

1 commit the offense or flight after the attempt or
2 commission."
3 Section 2. Section 94-5-603, R.C.M. 1947, is amended
4 to read as follows:
5 "94-5-603. Promoting prostitution. (1) A person
6 commits the offense of promoting prostitution if he
7 purposely or knowingly commits any of the following acts:
8 (a) owns, controls, manages, supervises, resides in or
9 otherwise keeps, alone or in association with others, a
10 house of prostitution or a prostitution business; or
11 (b) procures an inmate for a house of prostitution or
12 a place in a house of prostitution for one who would be an
13 inmate; or
14 (c) encourages, induces, or otherwise purposely causes
15 another to become or remain a prostitute; or
16 (d) solicits a person to patronize a prostitute; or
17 (e) procures a prostitute for a patron; or
18 (f) transports a person into or within this state with
19 the purpose to promote that person's engaging in
20 prostitution, or procures or pays for transportation with
21 that purpose; or
22 (g) leases or otherwise permits a place controlled by
23 the offender alone or in association with others, to be
24 regularly used for prostitution or for the procurement of
25 prostitution, or fails to make reasonable effort to abate

INTRODUCED BILL

HB7

1 such use by ejecting the tenant, notifying law enforcement
2 authorities, or using other legally available means; or

3 (h) lives in whole or in part, upon the earnings of a
4 person engaging in prostitution, unless the person is the
5 prostitute's minor child or other legal dependent incapable
6 of self support.

7 (2) A person commits the offense of aggravated
8 promotion of prostitution if he purposely or knowingly
9 commits any of the following acts:

10 (a) Compels another to engage in or promote
11 prostitution.

12 (b) Promotes prostitution of a child under the age of
13 eighteen (18) years, whether or not he is aware of the
14 child's age.

15 (c) Promotes the prostitution of ~~his--wife~~ one's
16 spouse, child, ward or any person for whose care, protection
17 or support he is responsible.

18 (3) A person convicted of promoting prostitution shall
19 be fined not to exceed five hundred dollars (\$500) or be
20 imprisoned in the county jail for any term not to exceed six
21 (6) months, or both. A person convicted of aggravated
22 promotion of prostitution shall be imprisoned in the state
23 prison for any term not to exceed twenty (20) years.

24 (4) Evidence.

25 On the issue whether a place is a house of prostitution

1 the following, in addition to all other admissible evidence,
2 shall be admissible:

3 (a) Its general repute; the repute of the persons who
4 reside in or frequent the place; or the frequency, timing
5 and duration of visits by nonresidents.

6 (b) Testimony of a person against his spouse shall be
7 admissible under this section."

-End-

No proponents. No opponents. Hearing then opened to questions from committee members. Representative Kimble questioned how this law would affect university people. Representative Moore questioned the language of husband and wife acting together as "joint tenants", 33-127. Ms. Zion replied that when they act together it is as "a" head of house.

No further questions and hearing was closed.

HOUSE BILL NO. 7 Representative Dan Yardley, District #74, chief sponsor of this bill removing sexual distinctions in the criminal law stated this bill is part of a package of fourteen bills, seven of which are being introduced in the Senate and this bill deals with the Criminal Codes. He pointed out the portions of the present law which this bill changes.

No other proponents. No opponents. Representative Meloy stated the definition of sexual intercourse talks about male-female relationship. Ms. Zion stated that homosexual rape would be covered by this bill also. Following brief discussion the hearing was closed.

EXECUTIVE SESSION

HOUSE BILL NO. 5 Chairman Huennekens stated that if any committee member felt he needed additional time and information on a bill he could request the bill be deferred. Representative Moore requested this bill be deferred.

HOUSE BILL NO. 6 Representative Kimble moved DO PASS. Motion carried unanimously.

HOUSE BILL NO. 7 Representative Meloy moved DO PASS. Motion carried unanimously.

A motion to adjourn by Representative Kimble and seconded by Representative Moore carried. Meeting adjourned.


HERB HUENNEKENS, CHAIRMAN

STANDING COMMITTEE REPORT

January 9, 1975

SPEAKER:

JUDICIARY

We, your committee on

HOUSE

Bill No. 7

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 94-5-503 AND 94-5-603, R.C.M. 1947, TO REMOVE CERTAIN SEXUAL DISTINCTIONS IN THE CRIMINAL LAW."

HOUSE

Bill No. 7

Respectfully report as follows: That

Jan 21

The meeting was called to order by Senator Towe, Chairman at 9:16 a.m., in Room 442 of the Capitol Building.

The Committee discussed the following bills: HB 6
HB 7
SB 75
SB 45

B 6 Representative Stoltz, from District 14 and sponsor of the bill, stated the bill was a product of the interim study committee on equality of the sexes. She said that this law provides a homestead can be declared by either husband, wife, or jointly from either of their properties. The bill also defines head of the family.

Margaret Davis, representing the Montana League of Women Voters, presented her written testimony to the Committee in support of the bill (attached).

B 7 Representative Yardley, from District 74, and sponsor of the bill, stated the bill would amend the 1973 Criminal Codes by eliminating discrimination in crimes of sexual intercourse without consent and prostitution.

Margaret Davis, representing the Montana League of Women Voters expressed the support of HB 7 on behalf of the League.

The public hearing was closed and the Committee went into Executive session.

SENATOR DRAKE MOVED THAT HB 7 BE CONCURRED IN. THE MOTION PASSED UNANIMOUSLY ON A ROLL CALL VOTE (SENATORS GREELY AND ROBERTS EXCUSED).

SENATOR TURNAGE MOVED THAT HB 6 BE CONCURRED IN. THE MOTION CARRIED ON A ROLL CALL VOTE (SENATORS GREELY AND ROBERTS EXCUSED).

B 75 The bill being a Committee bill and no proponents or opponents being present to testify, the Committee discussed various aspects of the bill. Action was deferred on the bill until the Committee Researcher can present a comparison with a similar 1973 bill.

B 45 Senator Turnage stated since the Association of Clerks of District Courts had requested introduction of the bill, and that they no longer wished to support it, it would not be necessary for the Committee to consider it further.

ROLL CALL

Judiciary--COMMITTEE

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XSECOND XBLANK - 43rd LEGISLATIVE SESSION 1975

but 01/21/75

[illegible]

Name MARGARET S. DAVIS Bill No. HB 6,7
Address 917 HARRISON, HELENA Date 1/21/75

Whom do you represent? LEAGUE OF WOMEN VOTERS of MONT.

Amend?..... Oppose?..... Support?.....⁺

Please leave prepared statement with secretary.

the League of Women Voters of Montana supports HB 6. It is one in a series of bills which have adapted present laws to comply with the equal rights provisions of the 1972 State Constitution.

The League's contention that the laws of Montana must conform to the constitution is simple, but we believe it is a compelling one. Some of the so-called "ERA" bills which have been considered will have little impact on the citizens. However, others deeply affect quality of life in this state.

If the government neglects its first responsibility to upholding the state constitution and litigation results; we are hopeful that the principles of equal rights & dignities will not be abrogated & held to come.

SENATE COMMITTEE JUDICIARY

Date Jan. 21, 1975 HOUSE Bill No. 7 Time

NAME	YES	NO
THOMAS E. TOWE	X	
JOE R. ROBERTS	EXCUSED	
V.E. CETRONE	X	
MARGARET S. WARDEN	X	
ROBERT J. BROWN	X	
GLEN L. DRAKE	X	
JEAN A. TURNAGE	X	
MICHAEL GREELY	EXCUSED	

Secretary /s/ Thomas E. Towe Chairman

Motion: by Senator Drake that HB 7 BE CONCURRED IN.

STANDING COMMITTEE REPORT

January 21 10 75

MR. PRESIDENT.....

We, your committee on JUDICIARY.....

having had under consideration HOUSE..... Bill No. 7.....

Respectfully report as follows: That..... HOUSE..... Bill No. 7.....

HOUSE BILL NO. 7

INTRODUCED BY YARDLEY, STOLTZ

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 94-5-503 AND 94-5-603, R.C.M. 1947, TO REMOVE CERTAIN SEXUAL DISTINCTIONS IN THE CRIMINAL LAW; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 94-5-503, R.C.M. 1947, is amended to read as follows:

"94-5-503. Sexual intercourse without consent. (1) A ~~male~~ person who knowingly has sexual intercourse without consent with a ~~female~~ person not his spouse commits the offense of sexual intercourse without consent.

(2) A person convicted of sexual intercourse without consent shall be imprisoned in the state prison for any term not to exceed twenty (20) years.

(3) If the victim is less than sixteen (16) years old and the offender is three (3) or more years older than the victim, or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, he shall be imprisoned in the state prison for any term not to exceed forty (40) years.

(4) An act "in the course of committing sexual

intercourse without consent" shall include an attempt to commit the offense or flight after the attempt or commission."

Section 2. Section 94-5-603, R.C.M. 1947, is amended to read as follows:

"94-5-603. Promoting prostitution. (1) A person commits the offense of promoting prostitution if he purposely or knowingly commits any of the following acts:

(a) owns, controls, manages, supervises, resides in or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business; or

(b) procures an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate; or

(c) encourages, induces, or otherwise purposely causes another to become or remain a prostitute; or

(d) solicits a person to patronize a prostitute; or

(e) procures a prostitute for a patron; or

(f) transports a person into or within this state with the purpose to promote that person's engaging in prostitution, or procures or pays for transportation with that purpose; or

(g) leases or otherwise permits a place controlled by the offender alone or in association with others, to be regularly used for prostitution or for the procurement of

REFERENCE BILL

1 prostitution, or fails to make reasonable effort to abate
2 such use by ejecting the tenant, notifying law enforcement
3 authorities, or using other legally available means; or

4 (h) lives in whole or in part, upon the earnings of a
5 person engaging in prostitution, unless the person is the
6 prostitute's minor child or other legal dependent incapable
7 of self support.

8 (2) A person commits the offense of aggravated
9 promotion of prostitution if he purposely or knowingly
10 commits any of the following acts:

11 (a) Compels another to engage in or promote
12 prostitution.

13 (b) Promotes prostitution of a child under the age of
14 eighteen (18) years, whether or not he is aware of the
15 child's age.

16 (c) Promotes the prostitution of ~~his--wife~~ one's
17 spouse, child, ward or any person for whose care, protection
18 or support he is responsible.

19 (3) A person convicted of promoting prostitution shall
20 be fined not to exceed five hundred dollars (\$500) or be
21 imprisoned in the county jail for any term not to exceed six

22 (6) months, or both. A person convicted of aggravated
23 promotion of prostitution shall be imprisoned in the state
24 prison for any term not to exceed twenty (20) years.

25 (4) Evidence.

1 On the issue whether a place is a house of prostitution
2 the following, in addition to all other admissible evidence,
3 shall be admissible:

4 (a) Its general repute; the repute of the persons who
5 reside in or frequent the place; or the frequency, timing
6 and duration of visits by nonresidents.

7 (b) Testimony of a person against his spouse shall be
8 admissible under this section."

9 Section 3. This act shall be effective upon passage
10 and approval.

-End-